



Mayo County Council

## TENDER RESPONSE DOCUMENT (TRD) – SERVICES

| Subject Matter of Request for Tender                                                                                                                                                                                                                    |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Westport Convent Site Regeneration</b>                                                                                                                                                                                                               |  |
| <b>My Open Library system for New Public Library</b>                                                                                                                                                                                                    |  |
| <b>CFT 8653177 - Provision of design, supply, delivery, installation, commissioning and maintenance of a technological solution for the operation of a self-service library installation My Open Library for Mayo County Council (Library Service).</b> |  |
| <b>Applicant / Tenderer</b>                                                                                                                                                                                                                             |  |
| <b>Contact Name</b>                                                                                                                                                                                                                                     |  |
| <b>Contact Email</b>                                                                                                                                                                                                                                    |  |

*This document must be read in conjunction with the **Services Request For Tender (SRFT)** document. The SRFT sets out:*

- *Part 2: Instructions to Tenderers*
- *Part 3: Selection and Award Criteria*
- *Appendix 1: Requirements and Specifications*
- *Appendix 2: Pricing Schedule*
- *Appendix 3: Tenderer's Statement (declarations)*
- *Appendix 4: Declaration as to Personal Circumstances of Tenderer*
- *Appendix 5: Services Contract*
- *Appendix 6: Confidentiality Agreement*

*Any reference to RFT or Request for Tender in any of the competition documents shall mean the **SRFT**. The **TRD** is this document, the **Tender Response Document**. Tenderers are advised to check the Tender Response Checklist prior to submitting their tender*

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## **Instructions for Completion**

Tenderers should ensure they have read the Request for Tender (**SRFT**) before they attempt to complete this Tender Response Document.

Where there is a discrepancy between the contents / instructions in this document and the Request for Tender, the Request for Tender will take precedence.

Tenderers must follow the instructions contained in this document in relation to attachments, format for submission, etc.

Where tenderers are relying on other parties to meet the selection criteria, those parties must be available to deliver elements of the contract.

Tenderers are advised to check the Tender Response Checklist prior to submitting their tender.

## **RESPONSE TO COMPLIANCE CRITERIA**

**TENDERERS SHOULD NOTE THESE CRITERIA ARE ASSESSED ON A PASS/FAIL BASIS**

### **Reference to SRFT:**

**2.2.1 of the SRFT:** Complete and submit with their Tender the electronic version of the European Single Procurement Document (“**eESPD**”). Tenderers may submit an **eESPD** which has already been used in a previous procurement procedure provided that they confirm that: (i) the information contained in it continues to be correct and (ii) that they satisfy the Selection Criteria for this Competition as set out at part 3.2

**2.2.4 of the SRFT:** Each Tenderer is required to accept the provisions of this RFT. ALL TENDERERS MUST RETURN, with their Tender, a scanned signed copy of the Tenderer’s Statement, as set out in **Appendix 3**, printed on the Tenderer’s letterhead. The Contracting Authority must be able to read the scanned signature of the Tenderer. If possible, please sign documents using blue ink. If the Contracting Authority cannot read the scanned signature, Tenderers may be requested to re-submit. Tenderers may not amend the Tenderer’s Statement.

## General Contact Information

|                                                       |                                           |                                                                                                                                          |
|-------------------------------------------------------|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| Organisation Name:                                    |                                           |                                                                                                                                          |
| Contact Person:                                       |                                           |                                                                                                                                          |
| Position:                                             |                                           |                                                                                                                                          |
| Address:                                              |                                           |                                                                                                                                          |
| Phone:                                                |                                           |                                                                                                                                          |
| Email:                                                |                                           |                                                                                                                                          |
| Website:                                              |                                           |                                                                                                                                          |
| Date of Establishment, if applicable                  | VAT Registration No:                      | Legal Structure – partnership, limited company, etc.                                                                                     |
|                                                       |                                           |                                                                                                                                          |
| Details of any sub-contractors or consortium members: |                                           |                                                                                                                                          |
| Name                                                  | Proposed Role in Delivery of the Contract | Confirmation relevant information is provided for each party (e.g. financial, experience, or other selection criterion where applicable) |
|                                                       |                                           |                                                                                                                                          |
|                                                       |                                           |                                                                                                                                          |
|                                                       |                                           |                                                                                                                                          |

## Financial Information – Pass/Fail Criteria

| Tax Clearance                                                                                                                                                                                                                                                                                   |      |                    | Please confirm<br>YES/NO |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|--------------------|--------------------------|--|
| I confirm and declare being tax compliant. The Contracting Authority can verify your tax clearance status through Revenue's online facility at <a href="http://www.revenue.ie/en/online/tax-clearance.html">http://www.revenue.ie/en/online/tax-clearance.html</a> To this end, please confirm: |      |                    | Yes                      |  |
|                                                                                                                                                                                                                                                                                                 |      |                    | No                       |  |
| Tenderer Name:                                                                                                                                                                                                                                                                                  |      |                    |                          |  |
| Tenderer PPSN/ Tax Reference Number                                                                                                                                                                                                                                                             |      |                    |                          |  |
| Access Number                                                                                                                                                                                                                                                                                   |      |                    |                          |  |
| OR, I confirm that I hold a current valid paper Tax Clearance Certificate (generally relates to Non-Residents)                                                                                                                                                                                  |      |                    |                          |  |
| Registration Number                                                                                                                                                                                                                                                                             |      | Certificate Number |                          |  |
| OR,<br><br>I confirm that I have applied for Tax Clearance status or a Tax Clearance Certificate which will be made available on request                                                                                                                                                        |      |                    | Yes                      |  |
|                                                                                                                                                                                                                                                                                                 |      |                    | No                       |  |
| Turnover                                                                                                                                                                                                                                                                                        |      |                    |                          |  |
| I confirm that we have the requisite turnover to be considered for the contract/framework.                                                                                                                                                                                                      |      |                    |                          |  |
| Year                                                                                                                                                                                                                                                                                            | 2025 | 2024               | 2023                     |  |
| Month End (e.g. July)                                                                                                                                                                                                                                                                           |      |                    |                          |  |
| Turnover €                                                                                                                                                                                                                                                                                      |      |                    |                          |  |
| I confirm that I will provide evidence of turnover promptly on request.<br><b>NOTE #1:</b> In the case of sole traders or partnerships this condition may be satisfied by a letter of confirmation from a senior partner.                                                                       |      |                    | Yes                      |  |
|                                                                                                                                                                                                                                                                                                 |      |                    | No                       |  |

## Tender Response Document (TRD) – Services

| Insurances                                                                                                                                                                                                                                                               |                              |                |                       |              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------|-----------------------|--------------|
| I confirm that we have the following insurances in place                                                                                                                                                                                                                 |                              |                |                       |              |
| Insurance Type                                                                                                                                                                                                                                                           | Level required if successful | Level in Place | Details of Any Excess | Renewal Date |
| Employers Liability                                                                                                                                                                                                                                                      | €13,000,000                  | €              |                       |              |
| Public Liability                                                                                                                                                                                                                                                         | €6,500,000                   | €              |                       |              |
| Product Liability                                                                                                                                                                                                                                                        | Confirm sum in place         | €              |                       |              |
| Professional Indemnity                                                                                                                                                                                                                                                   | Confirm sum in place         | €              |                       |              |
| AND                                                                                                                                                                                                                                                                      |                              |                |                       |              |
| I confirm that if successful, where the levels required under the contract/framework are higher than those currently in our possession, I will be in a position to put the required forms and levels of insurances required in place.                                    |                              |                |                       |              |
| AND                                                                                                                                                                                                                                                                      |                              |                |                       |              |
| I confirm that I will provide the following promptly on request: <ul style="list-style-type: none"> <li>evidence of insurances in place <b>or</b></li> <li>letter from Insurance Broker confirming that the required levels can be put in place if successful</li> </ul> |                              |                |                       |              |

## Declarations – Pass/Fail Criteria

Appendix 3 of SRFT: Tenderer's Statement

Appendix 3A: Schedule A – Declaration of no foreign financial contributions

Appendix 3A: Schedule B – Declaration that any foreign financial contributions are non-profitable having regard to the de-minimis threshold.

Appendix 3A: Schedule C – Declaration of non-profitable foreign financial contributions (valued between €200,000.00 and €999,000.00 on the last three years preceding the declaration).

Appendix 3A: Schedule D – Declaration of non-profitable foreign financial contributions (valued between €1,000,000.00 and €3,999,000.00 on the last three years preceding the declaration).

Appendix 3A: Schedule E – Notification of foreign financial contributions.

Appendix 4: Declaration as to Personal Circumstances of Tenderer.

*The above declarations form part of the SRFT and are appended here for Tender Response purposes.*

| Statutory Obligations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                             |     |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-----|----|
| We confirm that we are fully compliant with the following legislation, or equivalent legislation in our country of establishment/operation:                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                             | YES | NO |
| (a)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Employment Equality Acts 1998-2011                                                                                          |     |    |
| (b)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Equal Status Acts 2000-2011                                                                                                 |     |    |
| (c)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | National Minimum Wage Act 2000 as amended                                                                                   |     |    |
| (d)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Organisation of Working Time Act 1997 as amended                                                                            |     |    |
| (e)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Safety, Health and Welfare at Work Act 2005 and Safety, Health and Welfare at Work (General Application) Regulations 2007   |     |    |
| (f)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Disability Act 2005                                                                                                         |     |    |
| (g)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | We have procedures in place to ensure that our subcontractors, if any are used for this contract, apply the same standards. |     |    |
| <p>This Declaration is made for the benefit of the Contracting Authority</p> <p>I certify that the information provided in the <b>Declaration re Personal Circumstances</b> and the <b>Declaration re Statutory Obligations</b> is accurate and complete to the best of my knowledge and belief. I understand that the provision of inaccurate or misleading information in these Declarations will lead to my organisation being excluded from participation in this and future tenders and I am signing on behalf of:</p> |                                                                                                                             |     |    |
| Name of Tenderer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                             |     |    |
| Name of Authorised Signatory                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                             |     |    |
| Position                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                             |     |    |
| Signature                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                             |     |    |

## Previous Contracts – Pass/Fail Criteria

| Reference Contract #1                                                                                                                                                                                                                                             |      |                        |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------------------------|----|
| <i>Provide evidence of at least two (2) (min. requirement) past comparable MOL public library projects completed over the past seven (07) years.</i>                                                                                                              |      |                        |    |
| Customer Name                                                                                                                                                                                                                                                     |      |                        |    |
| Contact Name                                                                                                                                                                                                                                                      |      |                        |    |
| Contact Number                                                                                                                                                                                                                                                    |      |                        |    |
| Delivery Date(s)                                                                                                                                                                                                                                                  | From |                        | To |
| Contract Value                                                                                                                                                                                                                                                    |      | Period value refers to |    |
| Detailed description                                                                                                                                                                                                                                              |      |                        |    |
| Taking account of the features of the contract / scope of the framework agreement, please provide information in relation to the following, demonstrating comparability with the contract being awarded under this procurement:                                   |      |                        |    |
| The previous contracts must clearly demonstrate a proven track record, and tenderers must provide information which demonstrates access to the minimum number of skilled personnel and requisite technical resources required to successfully deliver the project |      |                        |    |
|                                                                                                                                                                                                                                                                   |      |                        |    |
| Any other relevant information                                                                                                                                                                                                                                    |      |                        |    |
|                                                                                                                                                                                                                                                                   |      |                        |    |

## Tender Response Document (TRD) – Services

| Reference Contract #2                                                                                                                                                                                                                                             |      |                        |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------------------------|----|
| Provide evidence of at <b>least two (2) (min. requirement)</b> past comparable MOL public library projects completed over the past seven (07) years.                                                                                                              |      |                        |    |
| Customer Name                                                                                                                                                                                                                                                     |      |                        |    |
| Contact Name                                                                                                                                                                                                                                                      |      |                        |    |
| Contact Number                                                                                                                                                                                                                                                    |      |                        |    |
| Delivery Date(s)                                                                                                                                                                                                                                                  | From |                        | To |
| Contract Value                                                                                                                                                                                                                                                    |      | Period value refers to |    |
| Detailed description                                                                                                                                                                                                                                              |      |                        |    |
| Taking account of the features of the contract / scope of the framework agreement, please provide information in relation to the following, demonstrating comparability with the contract being awarded under this procurement:                                   |      |                        |    |
| The previous contracts must clearly demonstrate a proven track record, and tenderers must provide information which demonstrates access to the minimum number of skilled personnel and requisite technical resources required to successfully deliver the project |      |                        |    |
|                                                                                                                                                                                                                                                                   |      |                        |    |
| Any other relevant information                                                                                                                                                                                                                                    |      |                        |    |
|                                                                                                                                                                                                                                                                   |      |                        |    |

## Health & Safety – Pass/Fail Criteria

|                                                                               |                                      |     |    |  |
|-------------------------------------------------------------------------------|--------------------------------------|-----|----|--|
| Do you comply with the Safety Health & Welfare at Work Act 2005               | Yes                                  |     | No |  |
| Name of Manager responsible for Health and Safety                             |                                      |     |    |  |
| Is it 3 <sup>rd</sup> party certified or managed in-house?                    | 3 <sup>rd</sup> Party Certified      |     |    |  |
|                                                                               | In-House                             |     |    |  |
| If 3 <sup>rd</sup> party certified, please provide the following information: | Date of most recent certification    |     |    |  |
|                                                                               | Scope of Certification               |     |    |  |
|                                                                               | Name of Certification Body           |     |    |  |
|                                                                               | Evidence will be provided on request | Yes |    |  |
|                                                                               |                                      | No  |    |  |
| I confirm that evidence of compliance will be provided promptly on request.   | Yes                                  |     |    |  |
|                                                                               | No                                   |     |    |  |

*Note: When requested by the Employer in response to 3.2.B of the SRFT, a more detailed Health & Safety Declaration must be returned by the applicant.*

## RESPONSE TO THE AWARD CRITERIA

### Form of Tender - Services

|                                  |                                                        |
|----------------------------------|--------------------------------------------------------|
| To:                              | Mayo County Council c/o                                |
| Address of Contracting Authority | Áras an Chontae, The Mall, Castlebar, Co. Mayo         |
| For the attention of:            | Ms. Catherine McConnell Director of Services           |
| From:                            |                                                        |
| Re:                              | My Open Library system for Westport new Public Library |

I/We have examined the tender documentation and hereby offer to provide the services in accordance with the details contained within the Request for Tender Document (SRFT). **This pricing section of the TRD shall be read in conjunction with the SRFT / Appendix 2: Pricing Schedule.**

| FEE                                                                                                                      | Total Fee proposed<br>(Excluding VAT) |
|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Proposed Total Lump Sum Fee for delivery of the Contract outlined in tender documents. <i>(To include all expenses).</i> | €                                     |

**Vat exclusive Lump Sum amount must be stated.** The amount set out in this **Form of Tender** includes for expenses and everything necessary and the Tender will remain valid for 365 days commencing from the Tender Deadline.

## Tender Response Document (TRD) – Services

| Pricing Document                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Item Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Cost |
| Provide for Project Management, supervision, co-ordination with Main Works Contractor (and its agents - Electrical Contractor, Security Specialist, Access control Specialist etc.), coordination with Electrical Consultant (main works), coordination generally, builders drawings, Insurances and Health & Safety.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |      |
| <p>Supply and Installation of: Open Library Controller, Main entrance door access keypad(s), fobs, dedicated Comms cabinet, external &amp; internal CCTV cameras, image server, monitor to be installed with Comms cabinet, dedicated network switch, PA system speakers, PA console, PA amp within Comms cabinet, lighting control system, audio announcements, emergency intercom as detailed in RFT, any items required for implementation and reporting software, licenses or additional software not listed in this description and integration with Library Management System.</p> <p>Connection of cabling to all open library equipment (including power data connections from all power outlets, data outlets and I/O's etc. as provided by the main contractor).</p> <p>Installation of cabling and connection to network switch to facilitate extra public pc installation where required.</p> <p>CCTV Solution: Provide CCTV Cameras, hardware, monitors, software and integration to allow for external monitoring.</p> <p>Interface with heating, ventilation and alarm systems.</p> <p><b>*Note: Tenderers must supply a separate breakdown of units/quantities on Page 14 of this Document.</b></p> |      |
| <p>Commissioning of entire open library system.</p> <p>Provision of Operation &amp; Maintenance Manuals and As-Built drawings in digital format (as per specification).</p> <p>Training (Library staff personnel)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |      |
| Supply, installation and commissioning of <b>Self-Service Kiosks x 2 number</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |      |
| Other Works/Costs not listed above and required for implementation<br>(Provide detail or state n/a)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |      |
| (A) Sub Total Costs (excl. VAT)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | €    |
| Cost (excl. VAT) for full maintenance and technical support (with 1-hour response time to return a call and presence on site for emergency works within 24 hours) for all of the above for Year 1 following certification of completion.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |      |
| (B) Sub Total Maintenance Costs (excl. VAT)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | €    |
| (C) Total Cost Excluding VAT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | €    |

## Tender Response Document (TRD) – Services

### I/We confirm that I/we:

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- All rates are inclusive of out of pocket (i.e. mileage, subsistence, phone, postage, etc.) and account / contract management related costs.
- Will keep this offer for the contract open for acceptance by you for a **period of 12 months** from the date of deadline for submission of Tenders,
- Agree that you are not bound to accept the most economically advantageous or any Tender you may receive,
- Have read and thoroughly examined the Tender Document,
- Fully understand the Tender Document and the Client's requirements,
- Undertake to treat the details of this Invitation to Tender, its Tender and any subsequent agreements as private and confidential,
- Acknowledge that acceptance by the Contracting Authority of this tender will not constitute a binding and enforceable agreement and that a legally enforceable agreement will not exist until and unless the contract is awarded.
- Have availed of all offers for additional information or have otherwise satisfied myself/ourselves as to conditions that may in any manner affect the performance of the contract,
- Have included all elements necessary for the performance of the specified requirements, which are either expressly stated in the Tender Document or contained in any supplementary information, or which could reasonably be inferred therefrom,
- Have found no errors, omissions, conflicts or ambiguities in the Tender Document except those which I/We have brought to the attention of the Contracting Authority before the latest date for submitting queries,
- Have included for compliance with all statutory requirements applicable in Ireland and those applicable in any country where parts of the contract may be performed that are in force 7 days prior to the deadline for receipt of Tenders,
- Will not, if awarded a contract employ labour in a manner that is discriminatory in relation to gender, race, religious beliefs, age etc.
- Agree that as a condition of award, it shall be our sole responsibility to fulfil the obligations under the Contract, notwithstanding any changes in circulars, laws, regulations, taxation, duties or other factors which might arise following the withdrawal of the United Kingdom from membership of the EU.

|                                         |                                                |             |  |
|-----------------------------------------|------------------------------------------------|-------------|--|
| <b>To the Contracting Authority</b>     | Mayo County Council                            |             |  |
| <b>Address of Contracting Authority</b> | Áras an Chontae, The Mall, Castlebar, Co. Mayo |             |  |
| <b>For the Attention of</b>             | Ms. Catherine McConnell Director of Services.  |             |  |
| <b>Signed:</b>                          |                                                |             |  |
| <b>Name (in Capital Letters):</b>       |                                                |             |  |
| <b>On behalf of:</b>                    |                                                |             |  |
| <b>Signed in the presence of:</b>       |                                                |             |  |
| <b>Address:</b>                         |                                                |             |  |
| <b>Telephone:</b>                       |                                                | <b>Date</b> |  |
| <b>Email:</b>                           |                                                |             |  |

## Tender Response Document (TRD) – Services

| Pricing Breakdown |                      |                                             |
|-------------------|----------------------|---------------------------------------------|
| Item/Description  | Unit Price Excl. VAT | Applicable<br>Vat Rate<br>(13.5% or<br>23%) |
|                   |                      |                                             |
|                   |                      |                                             |
|                   |                      |                                             |
|                   |                      |                                             |
|                   |                      |                                             |
|                   |                      |                                             |
|                   |                      |                                             |

Applicant Tenderers must clearly state the applicable Vat rate.

## Response to Qualitative Award Criteria

| Criterion A:                                   |                                                                                                                                                                                                             | Weighting | Maximum Marks | Minimum Marks Required |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------|------------------------|
| Title Ability to meet functional requirements. |                                                                                                                                                                                                             |           |               |                        |
|                                                |                                                                                                                                                                                                             | 50%       | 500           | 250                    |
| Instructions                                   | Supplier must explain how their response meets or exceeds the requirements as set out in <b>Appendix 1A to G and 1-K Requirements and Specifications of the Services Request for Tender (SRFT) document</b> |           |               |                        |
| Tenderers’ Response                            |                                                                                                                                                                                                             |           |               |                        |

Please respond using a maximum of 3 free text page(s) (i.e. don't type in the box) for your response.

## Tender Response Document (TRD) – Services

| Criterion B:        |                                                   |                                                                                                                                                                                                 |  |  | Weighting | Maximum Marks | Minimum Marks Required |
|---------------------|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|-----------|---------------|------------------------|
| Title               | Project Management, Project Plan and Installation |                                                                                                                                                                                                 |  |  |           |               |                        |
|                     |                                                   |                                                                                                                                                                                                 |  |  | 10%       | 100           | 50                     |
| Instructions        |                                                   | Supplier must explain how their response meets or exceeds the requirements as set out in <b>Appendix 1H Requirements and Specifications of the Services Request for Tender (SRFT) document.</b> |  |  |           |               |                        |
| Tenderers' Response |                                                   |                                                                                                                                                                                                 |  |  |           |               |                        |

Please respond using a maximum of 3 free text page(s) (i.e. don't type in the box) for your response.

## Tender Response Document (TRD) – Services

| Criterion C :                  |                                                                                                                                                                                                 | Weighting | Maximum Marks | Minimum Marks Required |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------|------------------------|
| Title: Maintenance and Support |                                                                                                                                                                                                 |           |               |                        |
|                                |                                                                                                                                                                                                 | 10%       | 100           | 50                     |
| Instructions                   | Supplier must explain how their response meets or exceeds the requirements as set out in <b>Appendix 1J Requirements and Specifications of the Services Request for Tender (SRFT)</b> document. |           |               |                        |
| Tenderers’ Response            |                                                                                                                                                                                                 |           |               |                        |

Please respond using a maximum of 3 free text page(s) (i.e. don't type in the box) for your response.

## Appendix 3: Tenderers' Statement

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[Tenderers shall complete and return the following form of Tenderers' Statement printed on the Tenderers' headed notepaper and signed by the Tenderer.]

### TENDERERS' STATEMENT

TO: Mayo County Council (the "Contracting Authority")

RE: Request for Tenders for the Supply of Integrated and fully supported automated My Open Library system for Westport new public library

Having examined your Request for Tenders (the "RFT") including the Instructions to Tenderers, the Selection and Award Criteria, the Requirements and Specifications, and the Terms and Conditions of the Services Contract, we hereby declare the following:

1. We understand the nature and extent of the Services required to be delivered as described in Requirements and Specifications at Appendix 1 to the RFT.
2. We accept all of the Terms and Conditions of the RFT, the Services Contract and the Confidentiality Agreement and agree if awarded a Services Contract to execute the Services Contract at Appendix 5 to the RFT and the Confidentiality Agreement at Appendix 6 to the RFT.
3. We accept all the Selection and Award Criteria as set out in Part 3 of the RFT.
4. We agree to provide the Contracting Authority with the Services in accordance with the RFT and our Tender.
5. We agree that, if awarded any Services Contract, we shall, in the performance of such contract, comply with all applicable obligations in the field of environmental, social and labour law.
6. We confirm that we have complied with all requirements as set out at Part 2 of the RFT.
7. We confirm that all prices quoted in our Tender will remain valid for the period of time commencing from the Tender Deadline, as specified at paragraph 2.10.3 of the RFT.
8. We shall, if awarded any Services Contract under the RFT, have in place on the Effective Date of the Services Contract all insurances (if any) as required by paragraph 2.21.1 of the RFT.
9. We confirm that all Data Subjects whose Personal Data is provided in our Tender have consented to the processing of such Personal Data by us, the Contracting Authority, the Evaluation Team and the supplier of the etenders.gov.ie website, for the purposes of our participation in this Competition or that we otherwise have a legal basis for providing such Personal Data to the Contracting Authority for the purposes of our participation in this Competition and that we will provide evidence of such consent and / or legal basis to the Contracting Authority upon request.

10. We do not come within the category of prohibited economic operators identified in Regulation (EU) No 833/2014 of 31 July 2014 (as amended by EU Regulation 2022/576 or any subsequent amendments to same).
11. The origin of goods connected to our Tender, if any, are not subject to the prohibitions set out in Regulation (EU) No 833/2014 (as amended by EU Regulation 2022/576 or any subsequent amendments to same).
12. The subcontractor(s) on whose capacity we rely as part of our Tender (where the value of that subcontract exceeds 10% of the value of the Services Contract) does not come within the category of prohibited economic operators identified in Regulation (EU) No 833/2014 of 31 July 2014 (as amended by EU Regulation 2022/576 or any subsequent amendments to same).

**SIGNED**

**Company**

**(Authorised Signatory)**

**Print name**

**Address**

**Date**

## Appendix 3A: Foreign Subsidies Regulation

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Tenderers are referred to the provisions of Regulation (EU) 2022/2560 of the European Parliament and of the Council on Foreign Subsidies distorting the Internal Market, in addition to Commission Implementing Regulation (EU) 2023/1441, and their obligation to comply therewith. In particular, tenders and candidates should note the requirements under Articles 28 and 29 of Regulation (EU) 2022/2560 relating to the prior notification or declaration of a foreign financial contribution, where the estimated value of the public procurement procedure is equal to or greater than the applicable financial thresholds set out therein.

Where the estimated value of the public procurement procedure is equal to or greater than the financial threshold set out at Article 28 of Regulation (EU) 2022/2560, economic operators are required to comply in full with their obligations under both that Regulation and Implementing Regulation (EU) 2023/1441. In that regard, economic operators are required to complete the relevant form of declaration or notification that apply to their particular circumstances.

## Appendix 3A: Schedule A – Declaration of no foreign financial contributions

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[To be completed by notifying parties where the value of the procurement procedure is equal to or greater than the financial thresholds in Article 28 of Regulation (EU) 2022/2560 and where the notifying party has **not** been in receipt of any foreign financial contributions]

TO: Mayo County Council (the “Contracting Authority”)

RE: Request for Tenders for the Supply of Integrated and fully supported automated My Open Library system for Westport new public library

We hereby declare that none of the notifying parties has been in receipt of any foreign financial contributions within the meaning of Regulation (EU) 2022/2560.

**SIGNED**

**Notifying Party**

**(Authorised Signatory)**

**Print name**

**Address**

**Date**

## Appendix 3A: Schedule B – Declaration that any foreign financial contributions are non-notifiable having regard to the de minimis threshold

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[To be completed by notifying parties where the value of the procurement procedure is equal to or greater than the financial thresholds in Article 28 of Regulation (EU) 2022/2560 and where the notifying party has been in receipt of foreign financial contributions that do not exceed *de minimis* aid as defined in Article 3(2) of Regulation (EU) 1407/2013 (i.e. €200,000) per third country over any consecutive three period]

**Form FS-PP relating to the notification of financial contributions in the context of public procurement procedures pursuant to Regulation (EU) 2022/2560**

**1. Description of the public procurement (Section 1 of Form FS-PP)**

**2. Information about notifying parties (Section 2 of Form FS-PP)**

**3. Declaration (Section 7 of Form FS-PP)**

None of the notifying parties have received foreign financial contributions notifiable under Chapter 4 of Regulation (EU) 2022/2560

**4. Attestation (Section 8 of Form FS-PP)**

The notifying party(ies) confirm(s) that, to the best of their knowledge and belief, the information given in this declaration is true, correct, and complete, that true and complete copies of documents required by this Form FS-PP have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere.

The notifying party(ies) confirm that they are aware of the provisions of Article 33 of Regulation (EU) 2022/2560 concerning fines and periodic penalty payments.

Date:

**[Signatory 1]**

**[Signatory 2]**

Name:

Name:

Organisation:

Organisation:

Position:

Position:

Address:

Address:

Phone Number:

Phone Number:

Email:

Email:

Signed:

Signed:

## **Appendix 3A: Schedule C – Declaration of non-notifiable foreign financial contributions (valued between €200,000 and €999,000 in the last three years preceding the declaration)**

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[To be completed by notifying parties where the value of the procurement procedure is equal to or greater than the financial thresholds in Article 28 of Regulation (EU) 2022/2560 and where the notifying party has been in receipt of foreign financial contributions which are valued between €200,000 and €999,000 in the last three (3) years preceding the declaration. Notifying parties are required to complete Table 2 below and they may aggregate the foreign financial contributions without indicating their values.]

**Form FS-PP relating to the notification of financial contributions in the context of public procurement procedures pursuant to Regulation (EU) 2022/2560**

### **1. Description of the public procurement (Section 1 of Form FS-PP)**

### **2. Information about notifying parties (Section 2 of Form FS-PP)**

### **3. Declaration (Section 7 of Form FS-PP)**

None of the notifying parties have received foreign financial contributions notifiable under Chapter 4 of Regulation (EU) 2022/2560

### **4. Attestation (Section 8 of Form FS-PP)**

The notifying party(ies) confirm(s) that, to the best of their knowledge and belief, the information given in this declaration is true, correct, and complete, that true and complete copies of documents required by this Form FS-PP have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere.

The notifying party(ies) confirm that they are aware of the provisions of Article 33 of Regulation (EU) 2022/2560 concerning fines and periodic penalty payments.

Date:

**[Signatory 1]**

**[Signatory 2]**

Name:

Name:

Organisation:

Organisation:

Position:

Position:

Address:

Address:

Phone Number:

Phone Number:

Email:

Email:

Signed:

Signed:

**Table 2**

For reporting of foreign financial contributions which are of a value between €200,000 and €999,000 in the last three (3) years preceding the declaration

| Third Country | Brief Description of the financial contributions |
|---------------|--------------------------------------------------|
| Country A     |                                                  |
| Country B     |                                                  |
| Country C     |                                                  |
| Country D     |                                                  |

## **Appendix 3A: Schedule D – Declaration of non-notifiable foreign financial contributions (valued between €1,000,000 and €3,999,000 in the last three years preceding the declaration)**

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[To be completed by notifying parties where the value of the procurement procedure is equal to or greater than the financial thresholds in Article 28 of Regulation (EU) 2022/2560 and where the notifying party has been in receipt of foreign financial contributions which are valued between €1,000,000 and €3,999,000 in the last three (3) years preceding the declaration. Notifying parties are required to complete the table below. They must list all foreign financial contributions received, to include all non-notifiable foreign contributions received in the last three (3) years preceding the declaration.]

**Form FS-PP relating to the notification of financial contributions in the context of public procurement procedures pursuant to Regulation (EU) 2022/2560**

### **1. Description of the public procurement (Section 1 of Form FS-PP)**

### **2. Information about notifying parties (Section 2 of Form FS-PP)**

### **3. Declaration (Section 7 of Form FS-PP)**

None of the notifying parties have received foreign financial contributions notifiable under Chapter 4 of Regulation (EU) 2022/2560.

### **4. Attestation (Section 8 of Form FS-PP)**

The notifying party(ies) confirm(s) that, to the best of their knowledge and belief, the information given in this declaration is true, correct, and complete, that true and complete copies of documents required by this Form FS-PP have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere.

The notifying party(ies) confirm that they are aware of the provisions of Article 33 of Regulation (EU) 2022/2560 concerning fines and periodic penalty payments.

Date:

**[Signatory 1]**

**[Signatory 2]**

Name:

Name:

Organisation:

Organisation:

Position:

Position:

Address:

Address:

Phone Number:

Phone Number:

Email:

Email:

Signed:

Signed:

### **Table**

For reporting of foreign financial contributions which are of a value between €1,000,000 and €3,999,000 in the last three (3) years preceding the declaration, to include all non-notifiable foreign contributions.

| <b>Third Country</b> | <b>Type of Financial Contribution (FC)</b> | <b>Brief Description of the purpose of the FC and the granting entity</b> | <b>Estimated value of the FC</b> |
|----------------------|--------------------------------------------|---------------------------------------------------------------------------|----------------------------------|
| Country A            |                                            |                                                                           |                                  |
| Country B            |                                            |                                                                           |                                  |
| Country C            |                                            |                                                                           |                                  |
| Country D            |                                            |                                                                           |                                  |

## Appendix 3A: Schedule E – Notification of Foreign Financial Contributions

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[To be completed by notifying parties where the value of the procurement procedure is equal to or greater than the financial thresholds in Article 28 of Regulation (EU) 2022/2560 and where the notifying party has been in receipt of aggregated foreign financial contributions in the three (3) years prior to notification, valued equal to or greater than €4M per third country].

### **1. Description of the public procurement (Section 1 of Form FS-PP)**

### **2. Information about notifying parties (Section 2 of Form FS-PP)**

### **3. Foreign Financial Contributions – (Section 3 of Form FS-PP)**

**3.1** For the purposes of this section 3.1, the notifying party(ies) should report foreign financial contributions falling into the scope of Article 5(1), points (a), (b), (c) and (e) of Regulation (EU) 2022/2560, which are amongst the most likely to distort the internal market.

**3.1.1.** In order to allow the Commission to determine whether a foreign financial contribution has been granted to an undertaking that was ailing within the meaning of Article 5(1)(a) of Regulation (EU) 2022/2560, notifying parties should indicate whether any of the following conditions were met at any point of time in the three years prior to the notification.

**3.1.1.1.** Is the notifying party a limited liability company, where more than half of its subscribed share capital has disappeared as a result of accumulated losses?

☐ yes ☐ no

**3.1.1.2.** Is the notifying party a company where at least some members have unlimited liability for the debt of the company, and where more than half of its capital as shown in the company accounts has disappeared as a result of accumulated losses?

☐ yes ☐ no

**3.1.1.3.** Is the notifying party subject to collective insolvency proceedings or does it fulfil the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors?

☐ yes ☐ no

**3.1.1.4.** In the case the notifying party in question is not an SME:

**3.1.1.4.1.** has the notifying party's book debt to equity ratio been greater than 7,5 for the past two years

and

3.1.1.4.2. has the notifying party's EBITDA interest coverage ratio been below 1,0 for the past two years?

☐ yes ☐ no

3.1.1.5. If the reply to any of the questions in sections 3.1.1.1 to 3.1.1.4 was 'yes' in relation to any of the notifying parties, please indicate whether during the period in which the undertaking in question was ailing, it received any foreign financial contributions that may have contributed to restore its long-term viability (including any temporary liquidity assistance designed to support that restoration of viability) or to keep that party afloat for the short time needed to work out a restructuring or liquidation plan.

Notifying party(ies) ☐ yes ☐ no

3.1.1.6. If the reply to any of the questions in sections 3.1.1.1 to 3.1.1.4 was 'yes' in relation to any of the notifying parties, indicate if there is a restructuring plan capable of leading to the long-term viability of that party and if this restructuring plan includes a significant own contribution by the notifying party and provide details of that plan.

3.1.1.7. If the reply to any of the questions in points 3.1.1.1 to 3.1.1.4 was 'yes', please substantiate the answer, including references in the answer to the supporting evidence or documents that are to be provided in annexes (such documents may include, but are not limited to, the notifying party's latest profit and loss account statements with balance sheets, or court decision opening collective insolvency proceedings on the company or documents providing evidence that the criteria for being placed under insolvency proceedings at the request of creditors under national company law are met, etc.).

3.1.2. Has the notifying party been in receipt of a foreign financial contribution in the form of an unlimited guarantee for the debts or liabilities of the undertaking, namely without any limitation as to the amount or the duration of such guarantee (Article 5(1)(b)) of Regulation (EU) 2022/2560.

☐ yes ☐ no

3.1.3 Has the notifying party been in receipt of an export financing measure that is not in line with the OECD Arrangement on officially supported export credits (Article 5(1)(c)) of Regulation (EU) 2022/2560.

☐ yes ☐ no

3.1.4. Has the notifying party been in receipt of a foreign financial contribution enabling an undertaking to submit an unduly advantageous tender on the basis of which the undertaking could be awarded the relevant contract (Article 5(1)(e)) of Regulation (EU) 2022/2560.

☐ yes ☐ no

- 3.2.** For each foreign financial contribution equal to or in excess of EUR 1 million granted to the notifying parties in the three years prior to the notification that may fall into any of the categories of Article 5(1), points (a) to (c) and (e) of Regulation (EU) 2022/2560, the notifying party must provide the following information and provide supporting documents:
- 3.2.1. Form of the financial contribution (e.g. loan, tax exemption, capital injection, fiscal incentive, contributions in kind, etc.).
  - 3.2.2. Third country granting the financial contribution. Specify also the granting public authority or entity.
  - 3.2.3. Amount of each financial contribution.
  - 3.2.4. Purpose and economic rationale for granting the financial contribution to the party
  - 3.2.5. Whether there are any conditions attached to the financial contributions as well as its use.
  - 3.2.6. Describe the main elements and characteristics of those financial contributions (e.g. interest rates and duration in the case of a loan).
  - 3.2.7. Explain whether the financial contribution confers a benefit within the meaning of Article 3 of Regulation (EU) 2022/2560 to the undertaking to which the foreign financial contribution has been granted. Please explain why, with reference to the supporting documents provided under Section 6 (below).
  - 3.2.8. Explain whether the financial contribution is limited in law or in fact, within the meaning of Article 3 of Regulation (EU) 2022/2560, to certain undertakings or industries. Please explain why, with reference to the supporting documents provided under Section 6 (below).
  - 3.2.9. Explain if the financial contribution is granted only for operating costs exclusively linked with the public procurement at stake.
- 3.3** Having regard to foreign financial contributions not falling within the categories set out in Section 3.1 above, notifying parties are required to provide an overview of the foreign financial contributions equal to or in excess of EUR 1 million granted to the notifying parties in the three years prior to the notification that do not fall into any of the categories of Article 5(1), points (a) to (e) of Regulation (EU) 2022/2560. In that regard, notifying parties are required to complete Table 1 below. Notifying parties should follow the instructions provided at Section 8 (Annex II) of Commission Implementing Regulation (EU) 2023/1441.

**Table 1**

Information to be included in Table 1 below by notifying parties.

- (i) Group the different financial contributions per third country and per type, such as direct grant, loan/financing instrument/repayable advances, tax advantage, guarantee, risk capital instrument, equity intervention, debt write-off, contributions provided for the non-economic activities of an undertaking (see recital 16 of Regulation (EU) 2022/2560), or other.

- (ii) Include only those countries where the estimated aggregate amount of all financial contributions per country granted in the three years prior to the notification (calculated according to point (iv) below is EUR 4 million or more.
- (iii) For each type of financial contribution, provide a brief description of the purpose of the financial contributions and the granting entities.
- (iv) Quantify the estimated aggregate amount of financial contributions granted by each third country in the three years prior to the notification in the form of ranges, as specified in the notes to the Table below. For the calculation of this amount, the following considerations are relevant:
  - (a) Take into account foreign financial contributions falling into the categories of Article 5(1) of Regulation (EU) 2022/2560 and on which information has been provided under Sections 3.1 and 3.2 (above) and;
  - (b) do not take into account foreign financial contributions excluded according to points (v) and (vi) below
- (v) Notifying Parties do not need to include (in the Table below) a description of the following foreign financial contributions:
  - (a) Deferrals of payment of taxes and/or of social security contributions, tax amnesties and tax holidays as well as normal depreciation and loss-carry forward rules that are of general application. If these measures are limited, for example, to certain sectors, regions or (types of) undertakings, they have to be included.
  - (b) Application of tax reliefs for avoidance of double taxation in line with the provisions of bilateral or multilateral agreements for avoidance of double taxation as well as unilateral tax reliefs for avoidance of double taxation applied under national tax legislation to the extent they follow the same logic as the provisions of bilateral or multilateral agreements.
  - (c) Provision/purchase of goods/services (except financial services) at market terms in the ordinary course of business, for example the provision/purchase of goods or services carried out following a competitive, transparent and non-discriminatory tender procedure.
  - (d) Foreign financial contributions below the individual amount of EUR 1 million.
- (vi) The foreign financial contributions that may be relevant for the assessment of each public procurement may depend on a number of factors such as the sectors or activities involved, the type of financial contributions or other specificities of the case. In light of these specificities, the Commission may request additional information where it considers such information necessary for its assessment.

| Third Country | Type of Financial Contribution (FC)* | Brief Description of the purpose of the FC and the granting entity** | Total Estimated value of the FC granted*** |
|---------------|--------------------------------------|----------------------------------------------------------------------|--------------------------------------------|
| Country A     |                                      |                                                                      |                                            |
| Country B     |                                      |                                                                      |                                            |
| Country C     |                                      |                                                                      |                                            |
| Country D     |                                      |                                                                      |                                            |

Note: please provide a separate table for each of the notifying parties. Third countries and, where possible, types of contributions, should be ordered by total amount of foreign financial contribution, from the highest to the lowest.

\* Identify the financial contributions grouping them by type: such as direct grant, loan/financing instrument/repayable advances, tax advantage, guarantee, risk capital instrument, equity intervention, debt write-off, contributions provided for the non-economic activities of an undertaking (see recital 16 of Regulation 2022/2560), or other. (

\*\* General description of the purpose of the financial contributions included in each type and of the granting entity(ies). For instance, 'tax exemption for the production of product A and R & D activities', 'several loans with State-owned banks for purpose X', 'several financing measures with State investment agencies to cover operating expenses/for R & D activities', 'public capital injection in Company X'.

\*\*\* Use the following ranges: 'EUR 45-100 million', 'EUR > 100-500 million', 'EUR > 500-1 000 million', 'more than EUR 1 000 million'

#### **4. Justification for absence of unduly advantageous tender – (Section 4 of Form FS-PP)**

**4.1** For any of the foreign financial contributions enabling an undertaking to submit an unduly advantageous tender on the basis of which the undertaking could be awarded the relevant contract (Article 5(1)(e) of Regulation (EU) 2022/2560), are there any elements which can be adduced to demonstrate that the tender is not unduly advantageous directly or indirectly due to the financial contribution(s) received, including the elements referred to in Article 69(2) of Directive 2014/24/EU.

In that regard, notifying parties should detail any elements that in their view may demonstrate that their tender is not unduly advantageous.

**4.2** The elements may in particular refer to:

- 4.2.1. The economics of the manufacturing process, of the services provided or of the construction method;
- 4.2.2. The technical solutions chosen or any exceptionally favourable conditions available to the tenderer for the supply of the products or services or for the execution of the work;
- 4.2.3. The originality of the work, supplies or services proposed by the tenderer;
- 4.2.4. Compliance with applicable obligations in the fields of environmental, social and labour law;
- 4.2.5. Compliance with obligations regarding subcontracting.

## **5. Possible Positive Effects - ( Section 5 of Form FS-PP)**

- 5.1** If applicable, notifying parties should list and substantiate any possible positive effects on the development of the relevant subsidised economic activity on the internal market. Notifying parties should also list and substantiate any other positive effects of the foreign subsidies, such as broader positive effects in relation to the relevant policy objectives, in particular those of the Union, and specify when and where those effects have or are expected to take place. Notifying parties should provide a description of each of those positive effects.

## **6. Supporting Documentation – (Section 6 of Form FS-PP)**

Notifying parties are required to provide the following for each notifying party:

- 6.1.** Copies of all the supporting official documents relating to the financial contributions that may fall into any of the categories of Article 5(1), points (a) to (c) and (e) of Regulation (EU) 2022/2560 pursuant to Section 3.1.
- 6.2.** Copies of the following documents prepared by or for or received by any member of the board of management, the board of directors or the supervisory board:
- Analyses, reports, studies surveys, presentations and any comparable documents discussing the purpose, use and economic rationale of the foreign financial contributions that may fall into any of the categories of Article 5(1), points (a) to (c) and (e) of Regulation (EU) 2022/2560.
- Provide the same documents prepared by or for or received by the entity granting the foreign financial contribution to the extent that they are in your possession or that they are publicly available.
- 6.3.** An indication of the internet address, if any, at which the most recent annual accounts or reports of the notifying party(ies) are available, or if no such internet address exists, copies of the most recent annual accounts and reports.
- 6.4.** Where the notifying party(ies) provide(s) justifications of the absence of an undue advantage of the tender by filling in Section 4 of this form, they also need to provide documentation for the period covering the three years preceding the notification, substantiating the adduced elements. Such documentation may include, inter alia, as relevant: (a) tax declarations for the period under review, including copies of company tax returns and VAT returns, (b) business plans and market research underlying the decision to participate in the public procurement procedure.

**7. Attestation (Section 8 of Form FS-PP)**

The notifying party(ies) confirm(s) that, to the best of their knowledge and belief, the information given in this declaration is true, correct, and complete, that true and complete copies of documents required by this Form FS-PP have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere.

The notifying party(ies) confirm that they are aware of the provisions of Article 33 of Regulation (EU) 2022/2560 concerning fines and periodic penalty payments.

Date:

**[Signatory 1]**

**[Signatory 2]**

Name:

Name:

Organisation:

Organisation:

Position:

Position:

Address:

Address:

Phone Number:

Phone Number:

Email:

Email:

Signed:

Signed:

## Appendix 4: Declaration as to Personal Circumstances of Tenderer

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Re: Request for Tenders for the Provision of Integrated and fully supported automated My Open Library system for Westport new public library

**NAME:** [Click here and insert name]

**ADDRESS:** [Click here and insert address]

I, [Click here and insert name of Declarant], of [Click here and insert name of entity] do solemnly and sincerely declare that:

1. I am a [insert role of Declarant] of [Click here and insert name of entity] and am authorized by [Click here and insert name of entity] to make this declaration which relates to a tender (“the Tender”) submitted by [Click here and insert name of entity] in response to an RFT dated titled [insert description of competition] published by [insert name of contracting authority] (“the Contracting Authority”).
2. Neither [Click here and insert name of entity] nor any person who is a member of the administrative, management or supervisory body of [Click here and insert name of entity] nor any person who has powers of representation, decision or control in [Click here and insert name of entity] has:
  - a. ever been the subject of a conviction for participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA.
  - b. ever been the subject of a conviction for corruption, as defined in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and Article 2(1) of Council Framework Decision 2003/568/JHA as well as corruption as defined in the national law of the Contracting Authority or the law of the state in [Click here and insert name of entity] is established.
  - c. ever been the subject of a conviction for fraud within the meaning of Article 1 of the Convention on the protection of the European Communities’ financial interests.
  - d. ever been the subject of a conviction for terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA respectively, or for inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision.
  - e. ever been the subject of a conviction for money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council.
  - f. ever been the subject of a conviction for child labour and other forms of trafficking in human beings as defined in Article 2 of Directive 2011/36/EU of the European Parliament and of the Council.
3. [Click here and insert name of entity]:
  - a. is not in breach and has not breached its obligations relating to the payment of taxes or social security contributions.
  - b. has carried out the preparation of the Tender independently.

4. [Click here and insert name of entity]:
  - a. has, in the performance of all public contracts, complied with applicable obligations in the field of environmental social and labour law that apply at the place where the works are carried out or the services provided, that have been established by EU law, national law, collective agreements or by international, environmental, social and labour law listed in Schedule 7 of the European Union (Award of Public Authority Contracts) Regulations 2016 (Statutory Instrument 284 of 2016).
  - b. is not bankrupt or the subject of insolvency or winding-up proceedings, its assets are not being administered by a liquidator or by the court, it is not in an arrangement with creditors, its business activities are not suspended nor is it in any analogous situation arising from a similar procedure under national laws and regulations.
  - c. is not guilty of grave professional misconduct.
  - d. has not entered into agreements with other economic operators aimed at distorting competition.
  - e. is not aware of any conflict of interest due to its participation in the Competition;
  - f. has not had any prior involvement in the preparation of the Competition;
  - g. has not shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions.
  - h. is not guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the Selection Criteria for this Competition and did not withhold such information and did not fail or is not able to submit supporting documents in respect of this Competition as required under Regulation 59 of the European Union (Award of Public Authority Contracts) Regulations 2016 (Statutory Instrument 284 of 2016) .
  - i. has not undertaken to unduly influence the decision-making process of the Contracting Authority in respect of the Competition, or obtain confidential information that may confer upon it undue advantages in respect of the Competition; or negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.
5. [Click here and insert name of entity] does not come within the category of prohibited economic operators identified in Regulation (EU) No 833/2014 of 31 July 2014 (as amended by EU Regulation 2022/576 or any subsequent amendments to same);
6. The origin of goods connected to the Tender, if any, are not subject to the prohibitions set out in Regulation (EU) No 833/2014 (as amended by EU Regulation 2022/576 or any subsequent amendments to same);
7. Any subcontractor, supplier or other entity on whose capacity [Click here and insert name of entity] relies as part of the Tender does not come within the category of prohibited economic operators identified in Regulation (EU) No 833/2014 of 31 July 2014 (as amended by EU Regulation 2022/576 or any subsequent amendments to same).

I understand and acknowledge that the provision of inaccurate or misleading information in this declaration may lead to my business/firm/company/partnership being excluded from participation in this or future tenders, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1938. This declaration is made for the benefit of the Contracting Authority.

\_\_\_\_\_

**Signature of Declarant**

Declared before me by \_\_\_\_\_ who is personally known to me

(or who is identified to me by \_\_\_\_\_ who is personally known to me) or\*

at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_

(signed)

**Practising Solicitor/Commissioner for Oaths**

*\*Please include such other form of identification used to identify the Declarant as permitted by the Statutory Declarations Act, 1938 (as amended)*